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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Utility Patent Application of)	Before the Examiner
Hai H. Trieu et al.)	Alvin J. Stewart
)	
Serial No. 10/717,687)	Group Art Unit: 3738
)	
Filed November 20, 2003)	Reference No. 4002-3111/PC362.14
)	
METHOD AND APPARATUS FOR)	
DELIVERING AN INTERVERTEBRAL)	
DISC IMPLANT)	September 14, 2006

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

1. List of All Patents, Publications, U.S. Applications, or Other Information

Pursuant to the provisions of 37 CFR 1.56, 1.97, and 1.98, Applicant requests consideration of the references listed on the attached PTO/SB/08 form(s) (commonly referred to as a PTO-1449 form) and/or the additional information identified below.

<input checked="" type="checkbox"/>	I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
<input type="checkbox"/>	I hereby certify that this correspondence is being deposited with the United States Postal Service as " Express Mail Post Office to Addressee " in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mailing Label No. <u>EV</u> <u>US</u> , on the date indicated below.
<input type="checkbox"/>	I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. <u>(571) 273-8300</u> on the date indicated below.
<p>Timothy N. Thomas</p> <p>Typed/printed name of person signing this certificate</p>	
<p><i>Timothy N. Thomas</i></p> <p>Signature</p>	
<p>September 14, 2006</p> <p>Date</p>	

2. Enclosed Legible Copies

- a. A legible copy of each foreign patent document and publication listed on the PTO/SB/08 form is enclosed,
- ☐ i. except, a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior U.S. Patent Application Serial No. _____, filed _____ from which the present application claims priority under 35 U.S.C. §120.
- ☐ ii. except, a copy is not provided for each cumulative reference and enclosed reference identified below:
- ☐ b. A copy of the specification and drawings for each cited unpublished U.S. application.
- ☐ c. A copy of a Search Report or Written Opinion from a foreign patent office is also enclosed.
- ☐ d. Consideration of the enclosed additional and/or below discussed information is requested.

3. Concise Explanation of Relevance for Non-English Language Information

For each non-English language reference listed on the attached SB/08 form(s), reference is made to:

- ☐ 3a. an English language translation submitted herewith,
- ☐ 3b. foreign patent office Search Report (in the English language) submitted herewith,
- ☐ 3c. an English language translation of a foreign patent office Search Report submitted herewith,
- ☐ 3d. the concise explanation contained in the present application at page(s) ____,
- ☐ 3e. the concise explanation set forth in the attached English language abstract,
- ☐ 3f. a copy of a related patent publication (in the English language) cited herewith,

Foreign Patent Document	Corresponding English Language Patent Document

- ☐ 3g. the following concise explanation:

4. Time for Filing

- ☐ 4a. This Information Disclosure Statement is submitted:
- ☐ i. for U.S. national applications or national stage PCT applications (not including CPAs and RCEs), within 3 months of filing or entry into national stage; or
 - ☐ ii. for U.S. national applications, national stage PCT applications, CPAs or RCEs, before the first Office Action on the merits,

and thus no certification and/or fee is required.

- ☒ 4b. This information Disclosure Statement is submitted after three months from the filing date and after the first Office Action on the merits, but prior to the mailing date of a final Office Action or Notice of Allowance, and thus:

- ☐ i. the statement specified in 37 CFR §1.97(e) is provided below, or
- ☒ ii. a fee of \$180.00 (set forth in 37 CFR §1.17(p)) is enclosed.

- ☐ 4c. This Information Disclosure Statement is submitted after the mailing date of a final Office Action or Notice of Allowance and prior to payment of the issue fee, and thus:

- ☐ i. the statement specified in 37 CFR §1.97(e) is provided below, and a fee of \$___ (set forth in 37 CFR §1.17(p)) is enclosed, or
- ☐ ii. a Request for Continued Examination (RCE) and fee of 37 CFR §1.17(e) has been filed.

- ☐ 4d. This Information Disclosure Statement is submitted after payment of the issue fee, and thus:

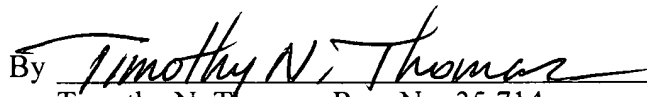
- i. a Petition to Withdraw from Issue pursuant to 37 CFR §1.313(c)(2) has been filed, and
- ii. a Request for Continued Examination (RCE) and fee of 37 CFR §1.17(e) has been filed.

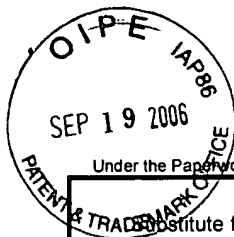
5. Certification- Statement Under 37 CFR 1.97(e)

- ☐ 5a. It is hereby certified that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ 5b. A copy of a dated communication from a foreign patent office which clearly shows the statement is being submitted within three (3) months of the date on the communication is enclosed.
- ☐ 5c. It is hereby certified that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b). It is believed that no additional fees are required. Should any other fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By 
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/717,687
				Filing Date	November 20, 2003
				First Named Inventor	Hai H. Trieu
				Art Unit	3738
Examiner Name	Alvin J. Stewart				
Sheet	1	of	1	Attorney Docket No.	4002-3111/PC362.14

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (If known)			
		US-			
		US-			
		US-			
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		WO 0217824	07-03-2002	SDGI Holdings, Inc.		<input type="checkbox"/>
		WO 03028587	10-04-2003	Rex Medical, L.P.		<input type="checkbox"/>
		WO 0234169	02-05-2002	SDGI Holdings, Inc.		<input type="checkbox"/>
		WO 03047472	12-06-2003	Mathys Medizinal Technik		<input type="checkbox"/>
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						<input type="checkbox"/>

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.